

ORIGINAL

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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Special Services Fees and Classifications      Docket No. MC96-3

OFFICE OF THE CONSUMER ADVOCATE OBJECTION TO  
INTERROGATORIES USPS/OCA-T400-35, 37, and 38  
(November 4, 1996)

The Office of the Consumer Advocate (OCA) hereby objects to interrogatories USPS/OCA-T400-35, 37, and 38, submitted October 25, 1996. Interrogatories 35 and 37, calling for confirmation of six figures from an exhibit to Postal Service witness Lyons' testimony and an oral response of Postal Service witness Needham to a question posed during her hearing, respectively, are objectionable for essentially the same reason—witness Collins is asked to confirm statements or figures that she has neither authored nor developed. A "confirmation" of these numbers by OCA's witness can constitute nothing more than her acknowledgement that she sees the cited numbers or statements at the locations cited. Since she did not develop the cited numbers and statements, she is incapable of confirming the veracity or authenticity of such information. Her acknowledgement that cited


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information appears in a particular place is cumulative and serves no purpose.

Interrogatory 38 seeks confirmation that "no information was provided on the maximum paid claim for Express Mail document reconstruction," both prior to and after witness Collins' testimony was filed. This interrogatory shares the failings of interrogatory 24(b), for which an objection was filed on October 31, 1996. In order to state categorically that "no information was filed on the maximum paid claim," witness Collins would need to examine every item of information filed by any participant in this proceeding. Only then could she state with confidence that "no information was filed." As in interrogatory 24(b), the Postal Service is seeking to have its own work performed by an OCA witness. No witness representing the interests of an adversary should be obliged to expend the time and effort called for in examining every document filed in a proceeding to see whether a particular type of information may be located. If the Postal Service believes that such information is in the record, and that it is relevant and probative, it may bring the evidence to the Commission's attention via an appropriate medium, such as rebuttal testimony or on brief.

For the reasons presented above, OCA objects to the captioned interrogatories and asks that witness Collins be excused from answering them.

Respectfully submitted,

  
SHELLEY S. DREIFUSS  
Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 3.B(3) of the special rules of practice.

  
SHELLEY S. DREIFUSS  
Attorney

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